

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**MARY DOE, AS NEXT FRIEND OF
JANE DOE, A MINOR CHILD; AND
JOHN DOE, AS NEXT FRIEND OF
JANE DOE, A MINOR CHILD;**

Plaintiffs,

V.

LORENA INDEPENDENT SCHOOL DISTRICT, APRIL JEWELL,

Defendants.

CIVIL NO. W-23-CV-00566-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 29. The report recommends Defendant Lorena Independent School District's Motion for Partial Dismissal of Plaintiff's Complaint, ECF No. 15, be **DENIED**, and Defendant April Jewell's Motion to Dismiss Plaintiff's Original Complaint, ECF No. 16, be **DENIED**. The report and recommendation was filed on May 20, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)). However, when no objections are timely filed, a district court reviews the magistrate judge’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 Advisory Committee’s Note (“When no timely objection is filed, the [district] court

need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

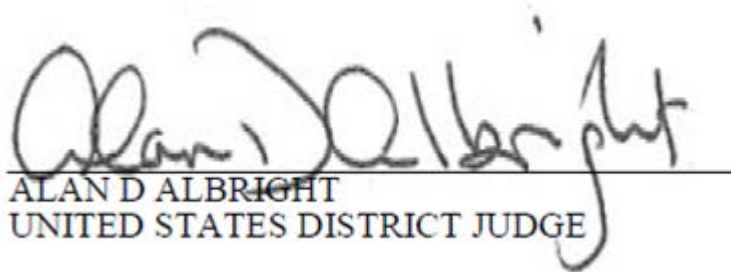
Defendant April Jewell filed objections on June 3, 2024. ECF No. 31. As of this writing, Defendant Lorena Independent School District has not filed objections. The Court has conducted a *de novo* review of Defendant Jewell’s motion to dismiss, the response, the report and recommendation, the objection to the report and recommendation, and the applicable laws. The Court has also conducted a clear error review of Defendant Lorena Independent School District’s motion to dismiss, the response, the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge’s findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske., ECF No. 29, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant April Jewell’s objections are **OVER- RULED**.

IT IS FINALLY ORDERED that Defendant Lorena Independent School District’s Partial Motion to Dismiss, ECF No. 15, and Defendant April Jewell’s Motion to Dismiss, ECF No. 16, are **DENIED** in accordance with the Report and Recommendation.

SIGNED this 5th day of June, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE